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Received - 2022-07-18 09:44:54 AM

Control Number - 52101

ItemNumber - 53

DOCKET NO. 52101

PETITION OF CCD-NORTH SKY, LLC	§	PUBLIC UTILITY COMMISSION
TO AMEND MARILEE SPECIAL	§	
UTILITY DISTRICT'S CERTIFICATE	§	OF TEXAS
OF CONVENIENCE AND NECESSITY	§	
IN COLLIN COUNTY BY EXPEDITED	§	
RELEASE	§	

ORDER NO. 13
GRANTING EXTENSION AND REQUIRING RESPONSE FROM THE PETITIONER

Consistent with Order No. 12 filed on June 22, 2022, Commission Staff was to have filed its appraiser's report by July 11, 2022. By motion filed July 11, 2022, Commission Staff requests an indefinite extension of the deadline. Commission Staff explains that the extension is necessary due to the petitioner's unwillingness to sign an engagement letter with Commission Staff's appraiser or to pay, up front, for half of the cost of the appraiser's report. According to Commission Staff, the CCN holder has already paid to the appraiser its half of the cost.

Under TWC § 13.2541(i) and 16 TAC § 24.245(i)(2)(B), the cost of Commission Staff's appraiser must be borne equally by the CCN holder and the petitioner, not by the Commission. Therefore, Commission Staff is not obligated to submit an appraiser's report without first having received from the petitioner and the CCN holder either payment of each party's half of the cost, or a firm commitment to pay its half of the costs.

The ALJ orders as follows:

- By July 29, 2022, the petitioner must either sign the engagement letter with Commission Staff's appraiser or make a payment to Commission Staff's appraiser for half of the cost of his report; and
- By August 29, 2022, Commission Staff must file its appraiser's report.

Signed at Austin, Texas the 18th day of July 2022.

PUBLIC UTILITY COMMISSION OF TEXAS



HUNTER BURKHALTER
CHIEF ADMINISTRATIVE LAW JUDGE